

Remarks

The paragraphs of the Office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

1. The Examiner indicated that this action is in response to the Applicants' amendment filed on 1/27/2004. The applicant believes that no specific response is required for this paragraph.

Response to Arguments

2. The Examiner stated that the Applicants' arguments "have been fully considered but are moot in view of the new ground(s) of rejection." The applicants appreciate the Examiner's consideration and believes that no specific response is required for this paragraph.

Election / Restrictions

3. The Examiner indicated that restriction to one of the following inventions is required. I. Claims 1, 3-18 - "drawn to a system and comprising means for migrating an upgrading application file in a network." II. Claim 19 "drawn to a method for creating an Application information file for the purpose of generating an update for an older version of a program under development." III. Claim 20 "drawn to a method for gathering installed application using Application information Files for the purpose of getting files in order to store into the Application information Files." The applicants have selected group I (claims 1 and 3-18) and requests that claims 19 and 20 be cancelled without prejudice, as applicant reserves the right to file a divisional continuation application claiming the invention of claims 19 and 20. The applicant believes that this election is fully responsive to the restriction requirement of this paragraph.

Claim Rejections - 35 USC § 102

4. The Examiner provided the citation to "35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action." The applicant believes that no specific response is required for this paragraph.

5. The Examiner rejected claim 3 "under 35 U.S.C. 102(a) as being anticipated by *Inside the Internet*, "Create self-extracting ZIP files with WinZip 6.3" ProQuest Computing, 5-2000. The applicants have reviewed the cited reference and is unable to

identify several elements of claim 3 as currently pending, including, but not limited to, (E) getting a registry; (F) copying said registry; (G) getting application version specifics and testing to determine if destination application versions match and generating an error if said destination application versions do not match. The Examiner cited Figure C and page 13, right column, last paragraph as describing these claim elements. The applicants respectfully traverse this rejection. A review of the cited sections of the cited reference indicates that Figure C shows the "Classic WinZip interface showing the details of the file we added" and "[o]nce you've made your selection, (of a file) click Add, and WinZip compresses your file and adds it to the archive, as shown in Figure C." The applicant believes that this reference is describing operations on files and not a registry. A registry is distinct and different from a file, as noted in the applicants' specification, see for example paragraphs 0004 and 0024. With regard to element (G), the reference in the cited article to testing a file (see page 13, right column, bottom paragraph) does not appear to describe the claimed "testing to determine if destination application versions match and generating an error if said destination application versions do not match." Rather the reference appears to contemplate that the testing is to determine if the file functions properly. Accordingly, the applicants believe that claim 3 as currently pending is neither disclosed nor even suggested in its entirety in the cited reference or any other known prior art reference. The applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections – 35 USC § 103

6. The Examiner provided the citation to 35 U.S.C. § 103(a) "which forms the basis for all obviousness rejections set forth in this Office action." The applicants believe that no specific response is required for this paragraph.

7. The Examiner rejected claims 1 and 4-18 under "35 U.S.C. 103(a) as being unpatentable over Kahani, WWWCopy™ Version 1.1" in view of *Inside the Internet*, "Create self-extracting ZIP files with WinZip 6.3". The applicants have reviewed the cited reference and have identified several elements of claim 1, on which claims 4-18 depends and which therefore include all of the limitations of claim 1, that are neither described or even suggested by the cited references either alone or in combination. These elements include, but are not limited to, (D) "(4) a self-extracting auto-migration package built by said console module." To address this element the Examiner cited *Inside the Internet*, page 14, figures D and E. The applicants wish to point out that the descriptions of figures D and E in this reference indicate that figure D shows "WinZip's detailed Drag and Drop dialog box" to give "you another way to add files to your archive" and figure E shows "You can make regular ZIP files self-extracting with the WinZip Self-Extractor Personal Edition dialog box." Neither describe or even suggest the auto-migration package claimed by the applicants in claim 1. Accordingly, the

applicants believe that the cited references, neither alone or in combination, describe or suggested the combination of elements claimed in claim 1. Claims 4-18 being dependant upon claim 1 include the limitations of claim 1. Therefore, the applicants respectfully request reconsideration and withdrawal of this rejection.

Conclusion

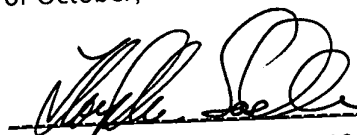
8. The Examiner indicated that the "Applicants' amendment necessitated the new grounds of rejections presented in this Office action" and that "accordingly this action is made final." The applicants re responding to this Office action with a Request for Continued Examination and Fee, along with a Petition for Extension of Time and Fee within the permitted extension period. Accordingly, the applicants respectfully request entry of this response, continued examination and reconsideration of this application.

The Examiner has provided information concerning communication and/or inquiries concerning this case. Applicant appreciates the Examiner's willingness to communicate and assist on this case and believes no response to this paragraph is necessary.

The applicant has elected claims 1 and 3-18 and has cancelled, without prejudice, claims 19 and 20. The applicants have also identified and described several elements of the pending claims which do not appear to be found, described or suggested by the cited reference. Accordingly, the applicants have respectfully requested reconsideration and allowance of the pending claims. The applicants believe that all paragraphs and rejections of the pending Office action have been responded to and that therefore this Office action response is fully responsive to the pending Office action.

The applicant believes that all issues and points of the Examiner's Office action have been addressed. Applicant believes that claims 1 and 3-18 are patentable over all known prior art. Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted this 20th day of October, 2004.



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AMENDMENT AND RESPONSE

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